

JOHN O'KANE, JR. 4280-0
MARK S. HAMILTON 7768-0

FRAME FORMBY & O'KANE
Attorneys at Law, A Law Corporation
Four Waterfront Plaza, 500 Ala Moana Blvd., Ste. 575
Honolulu, Hawaii 96813
Telephone: (808) 545-3043, Facsimile: (808) 545-3065
E-mail: FFOMaritime@aol.com

Attorneys for Defendants
MAUI OCEAN ACTIVITIES, INC. ("MOA"),
THEODORE C. KING, BETH D. KING,
and MOA VESSEL

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JEANNETTE MILLER	)	CIVIL NO. 04-00441 JMS-BMK
	)	(Admiralty)
)	
Plaintiff,	)	NOTICE OF HEARING; DEFENDANTS
	)	MAUI OCEAN ACTIVITIES, INC.,
	)	THEODORE C. KING, BETH D. KING,
vs.	)	AND MOA VESSEL'S MOTION TO
	)	DISMISS FOR FAILURE TO JOIN AN
	)	INDISPENSABLE PARTY;
MAUI OCEAN ACTIVITIES, INC.	)	MEMORANDUM IN SUPPORT OF
("MOA"), THEODORE C. KING,	)	MOTION; AFFIDAVIT OF MARK S.
BETH D. KING, <i>In Personam</i> and	)	HAMILTON; EXHIBITS "A"- "G";
MOA VESSEL, <i>In Rem</i>,	)	CERTIFICATE OF SERVICE
)	
	)	<u>HEARING:</u>
Defendants.	)	DATE: _____
	)	TIME: _____
	)	JUDGE: _____
)	
	)	Trial Date: May 23, 2005
_____)	

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that DEFENDANTS MAUI OCEAN ACTIVITIES, INC., THEODORE C. KING, BETH D. KING, AND MOA VESSEL'S MOTION TO DISMISS PLAINTIFF'S CLAIM FOR FAILURE TO JOIN AN INDISPENSABLE PARTY shall come before the Honorable _____, Judge of the above-entitled Court, in his/her courtroom in the United States Courthouse, 300 Ala Moana Boulevard, Honolulu, Hawaii, on _____, 2006, at _____ .M., or as soon thereafter as counsel can be heard.

DATED: Honolulu, Hawaii; September 7, 2006.

FRAME FORMBY & O'KANE

A handwritten signature in black ink, appearing to read "Mark S. Hamilton", is written over a horizontal line.

JOHN O'KANE, JR.

MARK S. HAMILTON

Attorneys for Defendants

MAUI OCEAN ACTIVITIES, INC.,

THEODORE C. KING, BETH D.

KING, and MOA VESSEL

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

JEANNETTE MILLER	)	CIVIL NO. 04-00441 BMK
	)	(Admiralty)
Plaintiff,)	
	)	DEFENDANTS MAUI OCEAN
vs.	)	ACTIVITIES, INC., THEODORE C.
	)	KING, BETH D. KING, AND MOA
MAUI OCEAN ACTIVITIES, INC.	)	VESSEL'S MOTION TO DISMISS
("MOA"), THEODORE C. KING,	)	PLAINTIFF'S CLAIM FOR
BETH D. KING, <i>In Personam</i> and	)	FAILURE TO JOIN AN
MOA VESSEL, <i>In Rem</i>,	)	INDISPENSABLE PARTY
)	
Defendants.)	
_____)	

DEFENDANTS MAUI OCEAN ACTIVITIES, INC., THEODORE C. KING,
BETH D. KING, AND MOA VESSEL'S MOTION TO DISMISS FOR
FAILURE TO JOIN AN INDISPENSABLE PARTY

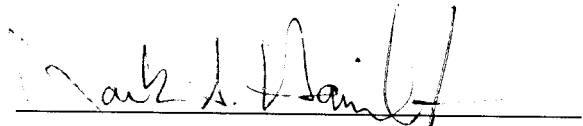
COMES NOW Defendants MAUI OCEAN ACTIVITIES, INC.,
THEODORE C. KING, BETH D. KING, and MOA VESSEL ("Defendants"), by
and through their attorneys, Frame Formby & O'Kane, pursuant to the Federal
Rules of Civil Procedure, Rules 7 and 19, and Rules 7.1-7.7 of the Local Rules for
the United States District Court for the District of Hawaii, and hereby move this
Honorable Court to dismiss Plaintiff JEANNETTE MILLER's claims against
Defendants for failure to join an indispensable party.

This motion is based upon all pleadings, records and filings in the

above-referenced matter, the attached memoranda in support of this motion, and upon the affidavit and exhibits attached hereto.

DATED: Honolulu, Hawaii; September 7, 2006.

FRAME FORMBY & O'KANE

A handwritten signature in black ink, appearing to read "Mark S. Hamilton", is written over a horizontal line.

JOHN O'KANE, JR.

MARK S. HAMILTON

Attorneys for Defendants

MAUI OCEAN ACTIVITIES, INC.,

THEODORE C. KING, BETH D.

KING, and MOA VESSEL

CERTIFICATE OF SERVICE

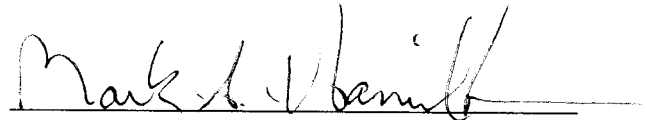
I HEREBY CERTIFY that a true and correct copy of the foregoing document will be hand-delivered to the following parties at the address given below on the 8th day of September, 2006:

PATRICK F. McTERNAN, ESQ.
HOWARD G. McPHERSON, ESQ.
600 Davies Pacific Center
841 Bishop Street
Honolulu, Hawaii 96813

Attorneys for Plaintiff
JEANNETTE MILLER

DATED: Honolulu, Hawaii; September 7, 2006.

FRAME FORMBY & O'KANE

A handwritten signature in dark ink, appearing to read "Mark S. Hamilton", is written over a horizontal line.

JOHN O'KANE, JR.

MARK S. HAMILTON

Attorneys for Defendants

MAUI OCEAN ACTIVITIES, INC.,

THEODORE C. KING, BETH D.

KING, and MOA VESSEL